

Philip A. Goldstein
McGuireWoods LLP
1251 Avenue of the Americas, 20th Floor
New York, New York 10020-1104
Phone: (212) 548-2100
Fax: (212) 548-2150
Email: pagoldstein@mcguirewoods.com

R. Trent Taylor (*Pro hac vice*)
Travis C. Gunn (*Pro hac vice*)
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219
Phone: (804) 775-1000
Fax: (804) 775-1061
Email: rtaylor@mcguirewoods.com
Email: tgunn@mcguirewoods.com

Counsel for Dolgen New York, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOSEPH WOLF, CARMEN WOLF,
ON BEHALF OF THEMSELVES AND
THOSE SIMILARLY SITUATED,

Plaintiffs,

v.

DOLGEN NEW YORK, LLC D/B/A DOLGEN,

Defendant.

Case No.: 7:23-cv-00558 (PMH)

**DEFENDANT DOLGEN NEW YORK,
LLC'S NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

Oral Argument Requested

PLEASE TAKE NOTICE that Defendant Dolgen New York, LLC (“Dollar General”) respectfully moves this Court before the Honorable Philip M. Halpern, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 300 Quarropas Street, White Plains, New York 10601, on a date and time to be determined by the Court, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56.1, granting summary judgment and dismissing Plaintiffs’ Second Amended Complaint in its entirety with prejudice on the grounds that there are no genuine issues of material fact requiring a trial, entering judgment for Dollar General, and awarding such other, further or different relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Dollar General shall rely upon the following documents submitted herewith: (1) Local Civil Rule 56.1 Statement in Support of Motion for Summary Judgment; (2) Memorandum of Law; (3) Declaration of Philip A. Goldstein, and exhibits annexed thereto; (4) Declaration of Mia Savaloja, and exhibits annexed thereto; (5) Declaration of Andre Carter; and (6) all prior pleadings and proceedings in this action.

PLEASE TAKE FURTHER NOTICE that, pursuant the Minute Entry entered on August 29, 2024, any opposition to Dollar General's Motion for Summary Judgment shall be served on or before November 15, 2024, and any reply to such opposition shall be served on or before December 6, 2024. On December 6, 2024, all moving, opposition, and reply papers shall be filed with the Court.

Dated: New York, New York
September 27, 2024

McGUIREWOODS LLP

/s/ Philip A. Goldstein
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McGuireWoods LLP
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